

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ALTON BOWENS,

Plaintiff,

v.

ORDER
7-CV-459S

LR CREDIT 10, LLC, et al.,

Defendants.

On November 3, 2010, Plaintiff Alton Bowens filed an Amended Complaint alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1662 *et seq.*, and New York state law. This Court issued a Decision and Order granting Defendants' motions for summary judgment on December 5, 2011. Plaintiff has now filed a Motion for Leave to Proceed *in forma pauperis* (Docket No. 103). Counsel for Defendants LR Credit 10, LLC, Mel S. Harris, Mel S. Harris & Associates, LLC, and Kerry Lutz opposes Plaintiff's motion.

A plaintiff seeking to appeal *in forma pauperis* a decision by a district court must attach to his motion an affidavit showing his inability to pay or give security for fees and costs, claiming an entitlement to redress, and stating the issues that the party intends to present on appeal. See Fed. R. App. P. 24(a)(1). Plaintiff has only presented a standard form listing his financial assets, income, debts, and monthly bills. He has made no effort to satisfy the second and third requirements. Although this Court would typically deny Plaintiff's motion without prejudice to permit Plaintiff to cure the deficiencies in his motion, Plaintiff's description of his financial status persuades this Court that Plaintiff has also not met the inability to pay requirement under Federal Rule of Appellate Procedure 24(a)(1)(A)

and 28 U.S.C. § 1915(a)(1).

Plaintiff states that his monthly debts add up to \$885.00 per month. His annual income is \$1,400.00 per month. Additionally, he appears to receive \$12,000.00 annually in social security payments. This leaves Plaintiff with approximately \$1,515.00 per month for remaining expenses, including litigation costs. Indeed, Plaintiff has pursued this litigation since filing his original Complaint on July 16, 2007. At no point has Plaintiff moved for leave to proceed *in forma pauperis* and Plaintiff has attached no evidence to his motion showing a dramatic change in his financial situation that would now warrant granting his motion.

Accordingly, this Court concludes that Plaintiff has not satisfied the requirements of 28 U.S.C. § 1915(a)(1) and his Motion for Leave to Proceed *in forma pauperis* (Docket No. 103) is DENIED.

Further, pursuant to Fed. R. App. P. 24(a)(4)(A), the Clerk of the Court is directed to immediately NOTIFY the Second Circuit Court of Appeals that this motion has been denied.

SO ORDERED.

Dated: January 12, 2012
Buffalo, New York

s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court